IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY SECOND DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

-

WRIT PETITION NO : 16051 of 2005

Between:

C.R.Reddy S/o Ram Reddy, E.No.72565 R/o Mankammathota,
Karimnagar.

..... PETITIONER

AND

The Depot Manager, APSRTC, Mancherial Depot,
Adilabad District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus by declaring proceedings No.01/804(10)/97-MNCL dt. 16-6-2005 served on 1st week of July, 2005 in recovering Rs.12,890/- from my salary @ Rs.500/- p.m. from salary of June, 2005 towards face value of lost ticket is arbitrary, illegal, perverse, unjust, contrary to law, in violation of principles of natural justice and also in violation of Art 14 and 21 of the constitution of India and consequently set aside the same.

Counsel for the Petitioner: MR.P.SRIDHAR RAO

Counsel for the Respondent: SMT.P.RAJANI REDDY

The Court at the admission stage made the following:

ORDER:

This writ petition is filed aggrieved by the order, dated 16.06.2005, under which, the respondent-Corporation ordered recovery of a sum of Rs.12,830/- towards the face value of running block tickets and Rs.60/- towards printing and paper charges of fresh blocks from out of the salary of the petitioner on the ground that the petitioner was responsible for the lost tickets.

The grievance of the petitioner is that though the order was passed on 16.06.2005, it was served on him only in the first week of July 2005. However, the recovery has been started from the month of June 2005 itself as per the order. Therefore, even though there is a remedy of appeal before the Divisional Manager against the impugned order, he could not avail the same. Further, according to the petitioner, the appellate authority has no power to stay the impugned order and therefore, even on that count also the appeal remedy is not effective.

The learned counsel for the petitioner sought to rely upon a judgment of this Court in **Ch.P.Reddy v APSRTC and another**, wherein this Court held that at the most, the Corporation may be

entitled to recover the cost of printing and paper, but not the face value of the tickets lost. Therefore, he sought to set aside the impugned order.

The learned Standing Counsel appearing for the respondent-Corporation, however, stated that as an effective remedy of appeal is available under the Regulations, the petitioner can canvass all the contentions, which are advanced here, before the appellate authority.

Heard the learned counsel for the petitioner and the learned Standing Counsel appearing for the respondent-Corporation.

In view of the effective alternative remedy of appeal available under the Regulations, this Court declines to entertain the writ petition. Even assuming that the Corporation deducts the amount from out of the salary of the petitioner as per the impugned order, if the petitioner succeeds in the appeal, he would get back the amount. Further, he can seek appropriate relief from the appellate authority to get the impugned order in abeyance.

The writ petition, with the above observations, is dismissed. No costs.

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22.07.2005

Note: Issue CC in two days.

(b/o)

VGB

To

1. The Depot Manager, APSRTC, Mancherial Depot,
   Adilabad District.

2. 2CD copies.